

IN THE MUNICIPAL COURT FOR THE CITIES OF ISSAQUAH, SNOQUALMIE AND  
NORTH BEND, COUNTY OF KING, STATE OF WASHINGTON

IN THE MATTER OF EMERGENCY RESPONSE )  
TO THREAT OF PUBLIC HEALTH )

ADMINISTRATIVE ORDER  
NO. 2021-3

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Court Operations

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington;

WHEREAS the Washington Supreme Court's State of Emergency for courts in the State of Washington is ongoing despite the availability of treatments and a vaccine to help prevent or mitigate the effects of the novel coronavirus if contracted;

WHEREAS Covid-19 remains a highly transmissible airborne disease posing serious health risks to certain vulnerable populations and to those who remain unvaccinated.

WHEREAS the Washington State Supreme Court has issued numerous orders in response to the public health emergency granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS the Washington State Supreme Court has deferred the authority to set safety guidelines and protocols to individual courts and encouraged the setting of safety protocols consistent with State and other available local public health guidance;

WHEREAS this court has the duty, broad authority and inherent discretion to enforce order in the courtroom, protect the safety of all those in the courtroom, remove distracting spectators or litigants, and to reasonably regulate access to courts. RCW 2.28.010. RCW 7.21, See, *Bly v. Henry*, 28 Wn.App. 469 (1980)(citing, *Sandstrom v. State*, 309 So.2d 17, 22 (Fla.App.1975); *Friedman v. District Court*, 611 P.2d 77 (Alaska 1980)), *State v. Elwood*, 193 Wash. 514 (1938), *State v. Lormer*, 172 Wn.2d 85 (2011), *State v. Giordano*, 57 Wn.App. 74 (1990), *State v. Hartzog*, 26 Wn.App. 576 (1980). *State v. Basford*, 1 Wn.App. 576 (1970). *State v. S.H.*, 102 Wn.App. 468 (2000), *State v. Caffrey*, 70 Wn.2d 120 (1966).

WHEREAS, the Issaquah Municipal Court is a high volume court and is not requiring persons to be vaccinated to enter the courthouse or to access essential court services; therefore, the court must continue to take precautions to keep all employees, jurors, court users, and all members of the general public who enter its locations safe;

WHEREAS, the State Department of Health (DOH) continues to provide guidance that the use of masks and social distancing remain the most effective means to protect unvaccinated individuals against the novel coronavirus, and Department of Health and Labor and Industries continue to require unvaccinated persons to wear masks in public spaces;

WHEREAS, the Issaquah Municipal Court is an independent and essential branch of government integral to a functioning democracy and provides for the orderly and lawful resolution of disputes, and plays an essential role in maintaining public safety and in ensuring the equal and unbiased application of the law and adherence to the State and Federal Constitutions; and,

WHEREAS, the Issaquah Municipal Court is committed to the fair and equal treatment of all persons and to following principles of equity and social justice to ensure due process and equal access, free of economic, social, or procedural barriers, for all persons, regardless of their circumstances;

NOW, THEREFORE, it is Ordered:

NOW, THEREFORE, it is hereby Ordered:

1. The Issaquah Municipal Court continues to operate under a State of Emergency due to the novel corona virus health pandemic and its continued impact on court operations.
2. The Issaquah Municipal Court Clerk's Office is open Monday thru Friday from 8:30 a.m. to 4:30 p.m. and staff are available during those hours by telephone, and both mail and email will be received. To protect the health and safety of the Issaquah Municipal Court staff, persons having business with the court and the public at large, the front doors and clerk's window will only be open on Tuesdays and Fridays when there are court hearings being held and every Wednesday and Thursday from 9:00 a.m. to 3:00 p.m. (except during jury week). Persons who appear at the Issaquah Municipal Court Clerk's Office during these hours will be required to comply with the relevant portions of the social distancing and hygiene measures set forth below in paragraph number 5.

Mailing Address: P.O. Box 7005, Issaquah, WA 98027

Phone: (425) 837-3170

Email: [municipalcourt@issaquahwa.gov](mailto:municipalcourt@issaquahwa.gov).

3. During the public health emergency related to the Covid-19 pandemic the court anticipates making daily findings under *State v. Bone-Club*, 128 Wash.2d 254, 906 P.2d 325 (1995) addressing whether there is a compelling interest requiring that hearings be held by way of a virtual courtroom and/or limiting physical access to the courtroom and limiting public interaction with the parties and court staff. Anyone who objects to the use of a virtual courtroom may contact the court at 425-837-3170 and request access to the hearing for the purpose of stating their objection, provided that permission to address the Court is requested and granted.
4. The court will continue to hold calendars for persons detained in jail virtually utilizing Zoom, which will be livestreamed on YouTube. The YouTube channel is accessible on the court's website. Other persons who are interested in participating in

the hearing will also be given access to the video courtroom. However, video hearings are courtrooms and persons participating must remain quiet unless called upon to speak. Recording of the livestream broadcast is prohibited without prior approval of the court. Defense attorneys who wish to appear in the physical courtrooms for these hearings should make their request to the court in writing. Wherever possible the request should be made at least 48 hours prior to the hearing. As part of any request, defense attorneys must provide the court with written proof of their admission to practice law in the State of Washington.

5. The Court will be conducting hearings for persons not detained in jail both in-person and virtually utilizing Zoom, which will be livestreamed on YouTube. The YouTube channel is accessible on the Court's website. Defendants will be mailed notice advising them how to access the video courtroom, which can be done by utilizing an electronic device, including a computer, tablet or cell phone. While all persons are encouraged to appear remotely by way of the virtual courtroom, the Issaquah Municipal Court has set up two virtual kiosks on-site and is holding in-person hearings pursuant to the measures set forth in paragraph 7. Other persons who are interested in participating in the hearing will also be given access to the video courtroom. Please note that video hearings are courtrooms and persons participating must remain quiet unless called upon to speak. Recording the livestream broadcast is prohibited without prior approval of the court.
6. The Court is using OCOURT for the preparation of most court documents. Except in extraordinary circumstances, all attorneys appearing in the Issaquah Municipal Court are required to obtain an OCOURT account. Except in extraordinary circumstances, defense attorneys shall complete all necessary documents in OCOURT, select any future court dates and obtain necessary signatures, including either obtaining their client's signature or, where appropriate, signing on behalf of their client, prior to indicating that a case is ready to be addressed. Because we typically only have one or two prosecutors appearing at a calendar, defense counsel should not rely upon the prosecutor to complete OCOURT documents.
7. To protect the health and safety of the Issaquah Municipal Court staff and all persons having business with the Court and the public at large, any person who enters the Issaquah Municipal Court building will be required to comply with the following court rules which will be displayed on the courthouse doors:
  - Persons who are sick or experiencing flu-like symptoms such as a cough, fever, respiratory problems, or any symptoms associated with COVID-19 or its variants SHALL NOT enter the Issaquah Municipal Court Building. If you have a scheduled appearance and are experiencing any of these conditions, please appear in our virtual platform. If you have a scheduled appearance, are experiencing any of these conditions, and are unable to appear in our virtual platform, please contact your attorney and/or the court.

- All persons entering the courthouse shall wear a protective face covering of the type recommended by the Center for Disease Control regardless of their vaccination status unless they have a documented precluding health condition or disability, are a child three years of age or younger, or are allowed to temporarily remove the facial covering at the direction of the courtroom judge when necessary to facilitate effective communication. Persons who do not have a face covering should contact their attorney or the court to inquire about the availability of masks.
- All persons shall use hand sanitizer prior to electronically signing any documents. The court may also request that persons disinfect the electronic Topaz pad after use. All persons are encouraged to use hand sanitizer as needed and, specifically, upon entering and exiting the courthouse.
- For purposes of social distancing the prosecutor may choose to be present in the virtual courtroom and not appear in-person for court hearings. If you need to speak to a prosecutor, you should do so by phone, email, or other means prior to entering the courthouse. However, where necessary, you may also contact the prosecutor by Zoom chat during the hearing.
- Absent extraordinary circumstances, persons appearing at an Issaquah Municipal Court calendar will not be allowed to participate by audio (telephone) only. Rather, a virtual appearance must utilize technology that allows the party to be both seen and heard. Persons who do not have access to video technology should either appear in the courtroom or utilize one of the court's Zoom Kiosks. In addition, these persons are encouraged to utilize computers that may be available at a local library. Finally, those persons who cannot appear at the courthouse and/or access both video and audio technology may file a motion with the court requesting to appear by audio (telephone) only. Any such motion should be filed by defense counsel at least seven days prior to the court date where an audio only appearance is being requested. Any such motion shall include:
  - The telephone number that will be used to access the virtual courtroom,
  - A statement that the person utilizing audio only understands the nature of a virtual hearing and will remain silent unless called upon to speak, and
  - Verification from defense counsel that the person appearing by audio only is who they purport to be.

Certain hearings including, but not limited to, the entry of guilty pleas, stipulated orders of continuance and deferred prosecutions will not be permitted by audio only.

- Absent extraordinary circumstances, a maximum of fifteen members of the public, including defendants, the prosecutor, defense attorneys and witnesses will be permitted in the courtroom at a time. In addition, a maximum of one defendant and one defense attorney will be permitted at each of the two courthouse Zoom kiosks.
- To maintain social distancing protocols, spectators will not be allowed in the courthouse. Spectators may observe the proceedings by way of the virtual courtroom. A live stream of the court hearing can be accessed on the court's website. <https://issaquahwa.gov/303/Municipal-Court>
- To maintain social distancing protocols, in addition to the persons using the courthouse Zoom kiosks, a maximum of four persons having business with the court will be permitted in the courthouse lobby at a time. The courthouse lobby will not be open to the public during jury trials to allow for social distancing of the jurors.
- Desks and chairs in the courtroom and throughout the courthouse are not to be moved.
- Persons entering the courtroom must be seated in the designated seats unless instructed otherwise.
- Do not approach the in-court clerk's desk without receiving permission from the judge.
- Court staff, including court security, may direct persons to comply with social distancing and hygiene measures and persons entering the courthouse will be required to comply with any such directives. Any failure to comply with a direction from court staff will be grounds for removal from the courthouse and may result in a finding that a defendant has failed to appear and in the issuance of a bench warrant. The above policies will remain in place until further notice.
- To maintain social distancing protocols, as a general rule the public will not be allowed in the courthouse. The general public may observe the proceedings by way of the virtual courtroom. A live stream of the court hearing can be accessed on the court's website. <https://issaquahwa.gov/303/Municipal-Court>. If you are a member of the general public and would like to access the physical courtroom to observe proceedings, please provide a written request addressed to the judge by either mailing your request to P.O. Box 7005, Issaquah, WA

98027, or emailing your request to [municipalcourt@issaquahwa.gov](mailto:municipalcourt@issaquahwa.gov). Please allow the judge 48 hours to review any such request.

- Defendants should call 425-837-3170 or email the clerk's office at [municipalcourt@issaquahwa.gov](mailto:municipalcourt@issaquahwa.gov) with questions about their case.
- Please note that a person's compliance with the above social distancing and hygiene measures is not intended as a guarantee against them acquiring and/or spreading Covid-19. The best way to ensure that a court appearance does increase the risk of exposure to the virus is to sign into our virtual courtroom from a safe, sanitary environment.

The above policies will remain in place until further notice.

8. Person having arrest warrants out of the Issaquah Municipal Court, or their counsel, may contact the clerk's office by phone at 425-837-3170, or in writing and request that the warrant be quashed, and the case set for a new hearing. The court staff is authorized to quash a single warrant on any case where the case does not involve a domestic violence, driving under the influence or being in physical control of a motor vehicle while under the influence, and where bail is set at less than \$5,000.00. Cases where court staff has previously administratively quashed a warrant, or cases involving domestic violence, driving under the influence, being in physical control of a motor vehicle while under the influence and/or cases where bail is set at more than \$5,000.00 will be referred to the judge and placed on a warrant quash calendar. Appearances at warrant quash calendars can be either in person or by Zoom.
9. Defendants will be allowed to apply for the public defender by phone or email by contacting the Issaquah Municipal Court at (425) 837-3170 or [municipalcourt@issaquahwa.gov](mailto:municipalcourt@issaquahwa.gov).
10. Probation appointments with Probation Officer Melanie Vanek will be conducted in person or by Zoom video at the discretion of Ms. Vanek unless otherwise ordered by the court.
11. The Court finds that obtaining signatures from defendants during the Covid-19 outbreak on speedy trial waivers places significant burdens on attorneys, particularly public defenders. Therefore, defense counsel is not required to obtain signatures from defendants on waivers of right to a speedy trial and/or orders to continue criminal matters. An attorney's signature on an order to continue and/or an attorney's or defendant's verbal representation that a defendant waives his or her right to a speedy trial will be sufficient. Verbal notification of a future court date shall be considered sufficient notice. Notice can also be sent by email, where provided by a defendant, and or an email to defense counsel with the agreement that he or she will forward notice to their client.
12. During the Covid-19 outbreak, obtaining signatures on court pleadings and documents places significant burdens on defendants, defense attorneys, prosecutors and other persons having business with the court. Therefore, to protect the health and safety of the Issaquah Municipal Court staff, persons having business with the

Issaquah Municipal Court and the public at large, by this Administrative Order the court finds that an electronic signature shall be deemed a reliable means for authentication of documents and shall have the same force and effect as an original signature to a paper copy of any document so signed. An electronic signature shall include, but is not limited to, (1) an electronic image of a person's handwritten signature, (2) circumstances where a person during a recorded open court session verbally authorizes that his or her signature be placed on a document by another person, or (3) any other process logically associated with an electronic record and executed or adopted by a person with the intent to sign the record, including but not limited to "/s/ [name of signatory]", including circumstances where the signature is placed by the attorney at the request or direction of his or her client. This Administrative Order specifically suspends the requirement under CrRLJ 3.3(c)(2)(i) to the extent that it requires that a written waiver of the right to a speedy trial be signed by the defendant and authorizes the use of an electronic signature.

13. Notwithstanding #12, above, Guilty Pleas, Stipulated Orders of Continuance and pleadings associated with Deferred Prosecutions will only be accepted with a defendant's original signature to a paper copy, or an electronic image of a defendant's signature utilizing OCourt, a facsimile, a PDF or some other similar process that the court determines to be acceptable.
14. No part of this order suspends the defendant's right to a public trial, or the general right of the public to be present at court proceedings under the constitutional provisions that require the open administration of justice.
15. The court may re-assess the terms of this administrative order daily.
16. The court may re-assess the need for other protective measures on an as needed basis.
17. Consistent with the Washington Supreme Court's Emergency Orders and the Governor's COVID-19 related Proclamations, all hearings delayed as a result of this or any prior Washington Supreme Court or Issaquah Municipal Court Emergency Administrative Order, are made for good cause in light of the ongoing health crisis and shall be excluded periods for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1 , IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule. Due to the pandemic, infraction hearings set beyond the 120-day time requirement shall not be dismissed unless the court determines that the dismissal is required in the interests of justice after weighing the unforeseen circumstances of the pandemic against any prejudice to the defendant.

Dated August 31st, 2021.

A handwritten signature in black ink, appearing to read "N. Scott Stewart", written over a horizontal line.

N. Scott Stewart, Presiding Judge